

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT	OAH Case No. 2015080865
v.	
CALIFORNIA EDUCATION AUTHORITY,	
PARENT ON BEHALF OF STUDENT	OAH Case No. 2015060374
v.	
CALIFORNIA EDUCATION AUTHORITY.	OAH Case No. 2015080190
CALIFORNIA EDUCATION AUTHORITY	ORDER GRANTING MOTION TO CONSOLIDATE
v.	
PARENT ON BEHALF OF STUDENT.	

On May 13, 2015, Student filed a due process hearing request (complaint) in Office of Administrative Hearings case number 2015060374 (First Case), naming California Education Authority.

On August 4, 2015, California Education Authority filed a complaint in OAH case number 2015080190 (Second Case), naming Student.

On August 20, 2015, California Education Authority filed a motion to consolidate the first case with the second case. On August 21, 2015, Student filed an opposition to the motion to consolidate the First Case with the Second Case.

On August 24, 2015, OAH issued an order granting the motion to consolidate and designating the First Case as the primary case.

On August 21, 2015, Student filed a complaint in OAH Case number 2015080865 (Third Case) naming the California Education Authority. Also on August 21, 2015, Student filed a motion to consolidate the Third Case with the First and Second Cases.

On August 26, 2015, California Education Authority filed with OAH a statement of non-opposition to Student's motion.

APPLICABLE LAW

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

DISCUSSION

Here, the First Case, Second Case, and Third Case all involve a common question of law or fact, specifically Student's special education services for the 2013-2014 and 2014-2015 school years. California Education Authority does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the issues in all three cases are similar and require identical witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. Student's motion to consolidate is granted. The Third Case (OAH Case number 2015080865) shall be designated as the primary case.
2. All dates previously set in the consolidated First and Second Cases, OAH Case Number 2015060374/2015080190 are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2015080865, the Third Case.

4. The consolidated cases shall proceed according to the Scheduling Order issued in the OAH Case number 201500865, the Third Case.

DATE: August 31, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings